

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Martin Rodriguez <div style="text-align: right;">Debtor</div> <hr/> BANK OF AMERICA, N.A. , C/O PENNYMAC LOAN SERVICES, LLC <div style="text-align: right;">Movant</div> v. Martin Rodriguez and William C. Miller, Esquire <div style="text-align: right;">Respondents</div>	17-11531 ELF Chapter 13 Proceeding
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**MOTION OF BANK OF AMERICA, N.A. , C/O PENNYMAC LOAN SERVICES, LLC
FOR RELIEF FROM THE AUTOMATIC STAY**

AND NOW, comes secured Creditor, BANK OF AMERICA, N.A. , C/O PENNYMAC LOAN SERVICES, LLC(Movant) by and through its counsel, POWERS KIRN & ASSOCIATES, LLC, (Jill Manuel-Coughlin on behalf of the firm), hereby requests that the Court grant it relief pursuant to 11 U.S.C. §362(d) from the automatic stay of 11 U.S.C. §362(a) due to lack of equity in debtor' property and debtor' failure to provide Movant with adequate protection of its interest in the property which is the basis of the creditor's security.

1. On or about March 6, 2017, Debtor filed a Chapter 13 Bankruptcy Petition.
2. The Debtor has executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$156,186.00 (the "Note"). A copy of the Note is attached hereto as **EXHIBIT A**. Movant is an entity entitled to enforce the Note.
3. On 11/5/2008, the debtor executed a Mortgage to Movant and/or Movant's assignor (recorded 11/7/2008 at Instrument# 51989364) and secured by the property located at 6618 Ditman Street, Philadelphia, PA 19135, referred to as the "Property". (**EXHIBIT B**). All rights and remedies under the Mortgage have been assigned to the Movant pursuant to an assignment of mortgage (**EXHIBIT C**).
4. As of 6/21/2017, the total owing to Movant is \$186,763.91.
5. Per Debtor's Schedule A, the approximate value of the property is \$135,709.00. (**EXHIBIT D**)
6. As of 6/21/2107, the debtor is in arrears post petition for three (3) monthly payments, from 4/1/2017 through 6/1/2017 at \$1,318.07 per month. The total post-petition arrearage is **\$3,954.21**.
7. Pursuant to 11 U.S.C.A. section 362(d)(1) and (2), BANK OF AMERICA, N.A. , C/O PENNYMAC LOAN SERVICES, LLC is not adequately protected and will suffer irreparable injury, harm and damage if relief from the stay is not granted.

WHEREFORE, Movant respectfully request the Honorable Court ORDER:

That Relief from the Automatic Stay be granted to BANK OF AMERICA, N.A. , C/O PENNYMAC LOAN SERVICES, LLC to proceed with foreclosure action to obtain all other Relief available under Non-Bankruptcy law. And that Bankruptcy Rule 4001(a)(3) is not applicable and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non-Bankruptcy law. Furthermore, Movant respectfully requests that reasonable attorneys fees and costs associated with this Motion be awarded to Movant.

RESPECTFULLY SUBMITTED,
POWERS KIRN & ASSOCIATES, LLC

By: /s/ Jill Manuel-Coughlin, Esquire

Jill Manuel-Coughlin, Esquire

ID# 63252

Eight Neshaminy Interplex, Suite 215

Trevose, PA 19053

Telephone: 215-942-2090

Attorney for Movant

17-0437

Dated: July 3, 2017